

AUG 29 1983

Title 97 - Board of Educational Lands and Funds  
Chapter 9 - CONDEMNATION

001 Any public body, pursuant to Nebraska Revised Statutes, 1943, Sec. 72-213 through 226 inclusive, has the authority to acquire educational lands for public use. Said public body is required to condemn the interest of the state in the educational lands, as trustee for the public schools

002 Procedure; before the appraisal proceedings can be presented to the Board of Appraisers, the following items must be submitted to the Secretary of the Board of Educational Lands and Funds.

002.01 Application for Condemnation.

002.02 A plat and complete description of land to be acquired.

002.03 An offer by the condemner for lands to be acquired.

002.04 Lessee's Statement or Request Form - Stating that the lessee's claim against the condemner for damages to crops and other property owned by the lessee has been or will be settled without a hearing before the Board of Appraisers; or listing the damages requesting a finding by the Board as to the interest, if any, of the lessee.

002.05 For county boards acquiring land to construct, reconstruct, improve, relocate, or maintaining a county road, a certificate that the taking of such land is in the public interest must be obtained from the Governor and from the Department of Roads, and be filed in the office of the Auditor of Public Accounts and a copy thereof in the office of the Board of Educational Lands and Funds.

002.06 Upon completion of subsection 002.01 through 002.05, a representative of the Board of Educational Lands and Funds will inspect and appraise the property in the condemnation application.

002.07 After the appraisal is approved by the Board of Educational Lands and Funds, the appraisal and offer will be presented at a hearing of the Board of Appraisers for their consideration.

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002.08 The condemner will be notified of the date of the hearing which will not be less than ten days.

003 The condemner and the Board of Educational Lands and Funds may present evidence before the Board of Appraisers. The Board of Appraisers shall have the power to administer oaths and subpoena witnesses at the request of either party or on its own motion. After hearing the evidence, the Board of Appraisers shall make the award and file same in the office of the Board of Educational Lands and Funds.

004 Payment and Transfer; Upon payment of the amount of the award by the condemner, the Secretary of the Board of Educational Lands and Funds will transmit a certified copy of the award to the condemner for filing in the office of the Register of Deeds in the county or counties where the land is located. The filing of such certified copy of the award shall have the force and effect of a deed of conveyance of the real estate and shall constitute a transfer of title thereto.

Chapter 9 (001) Sec. 72-213-226 Nebr. Rev. Stat.  
Chapter 9 (002-004) Sec. 72-224.03 Nebr. Rev. Stat.